IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 1731 of 2005
Date of Decision: 12.9.2006

The Pooja Coop. Transport Society Ltd. ...Petitioner

Versus

Smt. Sudesh Kumar and others ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Sanjiv Gupta, Advocate, for the petitioner.

None for the respondents.

JUDGMENT

The challenge in the present revision petition is to the order passed by the learned Motor Accident Claims Tribunal (for short `the Tribunal') on 1.5.2004, whereby recovery certificate was issued against the petitioner in respect of the amount of compensation deposited by the Insurance Company, in pursuance of the Award dated 9.10.2002.

The learned Tribunal awarded a compensation of Rs.56,140/- along with interest @ 9% p.a. against all the respondents, jointly and severally. However, the Tribunal further ordered that the amount of compensation shall be initially paid by the Insurance Company, which shall be entitled to recover the same from the petitioner. Admittedly, the said Award has attained finality. In terms of the Award passed by the learned Tribunal, the Insurance Company has been given right to recover the amount from the petitioner.

The learned counsel for the petitioner has argued that the objections filed by the petitioner were not decided. The said argument is

wholly inconsequential as the liability is sought to be disputed against the express orders in the Award. Still further, learned counsel for the petitioner has argued that the liability of all the respondents in the claim petition was joint and several and, therefore, the amount of compensation cannot be recovered from the petitioner. The said argument is wholly misconceived. Once, the Tribunal has given liberty to the Insurance Company to recover the amount from the petitioner, the same cannot be disputed by the petitioner in the execution proceedings.

I do not find any patent illegality or irregularity in the impugned order passed by the learned Tribunal, which may warrant interference by this Court in exercise of its revisional jurisdiction.

Hence, the present petition is dismissed.

12-09-2006 (HEMANT GUPTA)
ds JUDGE